

Decision 04-08-015 August 19, 2004

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the City of Sacramento to construct a bridge-overhead separation structure over the tracks of the Union Pacific Railroad Company in the City of Sacramento, Sacramento County, State of California.

Application 04-03-010  
(Filed March 10, 2004)

**O P I N I O N**

**Summary**

This decision grants the City of Sacramento's (City) request to construct an overhead bridge structure (Bridge) over the tracks of the Union Pacific Railroad (UPRR) at Main Avenue. The Bridge will replace the existing at-grade highway-rail crossing (crossing). The Bridge will be identified as California Public Utilities Commission (Commission) Crossing No. 004-144.20-A, and the existing crossing, Commission Crossing No. 004-144.20, will be closed.

**Discussion**

The City requests authority to construct a bridge over the UPRR tracks at Main Avenue in the City and County of Sacramento. The Bridge will replace the existing at-grade crossing at that location. The purpose of the overall project is to replace the existing two lanes structurally deficient and functionally obsolete Main Avenue Bridge over the Natomas East Main Drain Canal and improve traffic circulation and public safety on Main Avenue between Northgate

Boulevard and Pell Drive. The Bridge will carry four lanes of traffic, with shoulders and sidewalks on both sides.

Due to the large traffic volume and long detour routes it is not practical to close the existing crossing to traffic and remove the old canal bridge prior to construction of the Bridge. Thus, the Bridge will be constructed in two stages. The first stage requires that the existing warning devices be retired, and new devices installed to accommodate a lateral shift in the traffic lanes during the first stage of construction. The warning devices will remain consisting of two Commission Standard No 9's (flashing light signals with automatic gates). Following the completion of the first stage of the Bridge, the traffic will be shifted onto the Bridge and the crossing will be closed while the second stage of the Bridge is constructed. The project is scheduled for completion by December 2009.

Falsework will be constructed during the normal intervals when trains are not passing below the structure over UPRR's right-of-way. All falsework clearances, both horizontal and vertical, will meet UPRR's and the Commission's requirements. The vertical clearance during construction will not be less than 21 feet. Upon completion of the project, all falsework will be removed and the permanent Bridge will have clearances in accordance with General Order 26-D.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On June 15, 2004, the City adopted a Mitigated Negative Declaration for this project, of which the proposed Bridge is a part, and found that this project will not have a significant effect on the environment with the mitigation measures as identified in the initial study.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et. seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission's Consumer Protection and Safety Division - Rail Crossing Engineering Section (RCES) has reviewed the Mitigated Negative Declaration for the Project and believes it is adequate for decision-making purposes. Safety, transportation, and noise are within the scope of the Commission's permitting process. The City's Mitigated Negative Declaration did not identify any potential impacts related to the safety or transportation associated with the project.

Noise impacts were identified in the Mitigated Negative Declaration. The impacts identified are related to construction noise. The mitigation measures adopted to address these impacts involve placing portable equipment and construction vehicle staging areas as far as possible from residences, no equipment shall have unmuffled exhaust, all equipment shall have sound control devices no less effective than those provided on the original equipment, limiting construction activities to daylight hours on weekdays, and as directed by the City, shut off idling equipment, rescheduling construction activities, notifying adjacent residents in advance of construction work, and utilizing equipment with tires and not tracks.

With respect to noise impacts, we believe the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts to less-than-significant levels.

RCES inspected the site of the proposed Bridge. After reviewing the need for, and safety of, the proposed Bridge, RCES recommends that the requested authority sought by the City be granted for a period of five years.

Application 04-03-010 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3130, dated March 16, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Application was published in the Commission's Daily Calendar on March 12, 2004. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3130.

The City has requested that this order be effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on March 12, 2004. No protests have been filed.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a bridge over the tracks of the UPRR. The Bridge shall be

identified as Commission Crossing No. 004-144.20-A, and the existing crossing, Commission Crossing No. 004-144.20, be closed.

3. Public convenience, safety, and necessity require the modification of the subject crossing.

4. The City is the lead agency for this project under CEQA, as amended.

5. The Commission is a responsible agency for this project, and has reviewed the City's environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

6. On June 15, 2004, the City adopted a Mitigated Negative Declaration for this project, of which the proposed bridge is a part, and found that this project will not have a significant effect on the environment with the mitigation measures as identified in the initial study.

7. Safety, transportation and noise are within the scope of the Commission's permitting process.

8. The City's Mitigated Negative Declaration did not identify any environmental impacts related to transportation or safety.

9. The Commission finds that for each potentially significant impact related to noise, the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts to less-than-significant levels.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

### **O R D E R**

**IT IS ORDERED** that:

1. The City of Sacramento (City) is authorized to construct an overhead bridge structure (Bridge) over the tracks of the Union Pacific Railroad (UPRR) at Main Avenue. The Bridge shall be identified as California Public Utilities Commission (Commission) Crossing No. 004-144.20-A. The existing at-grade highway-rail crossing, Commission Crossing No. 004-144.20, shall be closed when the Bridge is completed.

2. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the City and the UPRR (parties), which owns the track. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

3. Within 30 days after completion of the work under this order, the UPRR shall notify the Commission's Rail Crossing Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossing and Separations), that the authorized work was completed.

4. This authorization shall expire if not exercised within five years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

5. This application is granted as set forth above.

6. Application 04-03-010 is closed.

This order is effective today.

Dated August 19, 2004, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
CARL W. WOOD

LORETTA M. LYNCH  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
Commissioners